

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ALFRED K. NIPPERT, JR.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 3:09-1068
)	JUDGE TRAUGER/KNOWLES
)	
)	JURY DEMAND
JAMES R. JACKSON, JR., et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter is before the Court upon Plaintiff's "Motion to Strike Answer of Defendant Jackson, Denney & Davis, Inc. ("JDD")." Docket No. 29. The Motion is based upon Plaintiff's arguments that: (1) JDD is a corporation; (2) JDD has previously filed an Answer to Plaintiff's Complaint; (3) JDD's Answer was signed by co-defendant James R. Jackson, Jr., as the President of JDD; (4) Jackson is not an attorney; (5) JDD may not proceed pro se, but must be represented by counsel; (6) Fed. R. Civ. P. 11 requires that pleadings be signed by at least one attorney of record and the attorney's name, or by a party personally if the party is unrepresented; (7) Fed. R. Civ. P. 11(a) also provides that the Court "must strike an unsigned paper unless the omission is promptly corrected after being called to the party's attention; (8) Plaintiff called JDD's attention to the unsigned status of its Answer; and (9) JDD has failed to withdraw the Answer or to file an Answer signed by an attorney.


None of the Defendants has filed a Response to the instant Motion.

Plaintiff's above arguments are correct. A corporation cannot proceed pro se, but must

be represented by counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); Local Rule 83.01(d)(3).

For the foregoing reasons, the undersigned recommends that the instant Motion (Docket No. 29) be GRANTED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.


E. Clifton Knowles
United States Magistrate Judge